

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

FLOYD L. SEMONS,

Plaintiff,

v.

Case No. 22-CV-594

JAMES TAULBUT,

Defendant.

ORDER

On January 3, 2023, and on February 1, 2023, plaintiff Floyd L. Semons, who is confined at Green Bay Correctional Institution and representing himself, filed two motions for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). (ECF Nos. 29, 36.) In both motions Semons asserts that the court should rule in his favor and award him damages of \$250,000.

Rule 12(c) provides that, “[a]fter the pleadings are closed—but early enough not to delay trial—a party may move for judgment on the pleadings.” Fed. R. Civ. P. 12(c). Such a motion is evaluated under the same standards that govern a Rule 12(b)(6) motion to dismiss: the court accepts as true all facts alleged in the complaint and construes all reasonable inferences in favor of the non-moving party. *See Lodholtz v. York Risk Servs. Grp.*, 778 F.3d 635, 639 (7th Cir. 2015) (citations omitted). Under Rule 12(c), while courts can consider documents incorporated by

reference in the pleadings, it cannot consider evidence that is outside the original pleadings. *United States v. Wood*, 925 F.2d 1580, 1582 (7th Cir. 1991); Fed. R. Civ. P. 12(d). If the motion relies on evidence outside of the pleadings, it should be converted into a motion for summary judgment. *Id.*

Semons's motions rely on several pieces of evidence that were not part of the pleadings. The court notes that both parties also filed motions for summary judgment, and after briefly reviewing those motions and the supporting materials the evidence Semons relies on in his motions for judgment on the pleadings is included in his motion for summary judgment. Thus, converting his motions for judgment on the pleadings into summary judgment motions would be redundant. For efficiency's sake, the court will deny his motions for judgment on the pleadings and will consider Semons's arguments as presented in his motion for summary judgment, his response to the defendants' motion for summary judgment, and the supporting materials where appropriate.

IT IS THEREFORE ORDERED that Semons's motions for judgment on the pleadings (ECF Nos. 29, 36) are **DENIED**.

Dated in Milwaukee, Wisconsin this 6th day of September, 2023.

BY THE COURT

A handwritten signature in black ink that reads "William E. Duffin". The signature is written in a cursive style with a horizontal line underneath the name.

WILLIAM E. DUFFIN
United States Magistrate Judge